

AFFIDAVIT

I, Jesse K. Gambs, a Task Force Officer (TFO) of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), United States Department of Justice, being duly sworn under oath, hereby depose and state:

1. I am a law enforcement officer of the United States, and under 18 U.S.C. § 3051, I am empowered by the Attorney General to conduct investigations, enforce criminal, seizure, and forfeiture provisions of the laws of the United States, carry firearms, serve warrants and subpoenas issued under the authority of the United States, make arrests without a warrant for any offense against the United States committed in my presence, and make arrests for a felony offense under the laws of the United States if there are reasonable grounds to believe that the person to be arrested has committed or is committing such a felony.

2. I am employed as a TFO with ATF and have been so since June 2019. I attended ATF Task Force Officer training December 3, 2019- December 6, 2019, at ATF Headquarters located in Washington, D.C. There, I received training about various topics including federal law as it pertains to possession of and trafficking in firearms.

3. I am also currently employed as a Police Officer with the Canton Police Department (CPD) located in Canton, Ohio. I became a sworn officer with CPD on April 19, 2013. I began my time with CPD as a uniformed patrol officer before being selected for the CPD VICE unit in or around August 2014. I spent approximately five years with the CPD VICE unit before becoming sworn with the ATF as a full time TFO. The CPD VICE unit is a plain clothes unit that specializes in investigating drug and firearm trafficking crimes as well as crimes of violence.

4. I am submitting this affidavit in support of a Criminal Complaint and an Application for an Arrest Warrant pursuant to Rules 3 and 4 of the Federal Rules of Criminal Procedure and

18 U.S.C. 3051, authorizing the arrest of Linnie HILLIARD aka Luke Townsend, DOB: 11/09/1979.

5. The facts contained in this Affidavit are based upon my personal knowledge of the investigation, in addition to my general knowledge, training, and experience, and the observations, knowledge, training, and experience of other officers and agents. All observations referenced below that were not personally made by me, were relayed to me by those who made such observations, either verbally or via reports written by those agents and/or officers.

6. This Affidavit contains information necessary to support probable cause for this application. It is not intended to include each, and every fact and matter observed by me or law enforcement or known to the government or serve as verbatim or transcribed accounts of interviews referenced in the affidavit.

PROBABLE CAUSE

7. On December 2, 2022, at approximately 12:20 P.M., Jackson Township Police Department (JTPD) Officers Wiseman, Hesse and Sanderbeck responded to a call regarding a person refusing to leave at the Red Roof Inn, Room #207, located at 5353 Inn Circle, North Canton, Northern District of Ohio, Eastern Division.

8. JTPD Officers arrived at the Red Roof Inn and met with front desk clerk. The front desk clerk stated that at or about 7:20 P.M. on December 1, 2022 Ashely Straight and Linnie HILLIARD arrived at the front desk and asked to retrieve items they, Straight and HILLIARD, had left in room 207. Straight had rented the room that she and HILLIARD had been staying in, but the room was only paid for until November 30, 2022. Therefore, neither Straight nor HILLIARD had any rights to the room. The front desk clerk stated that she agreed to let HILLIARD and Straight into the room to retrieve their property. The front desk clerk stated she

observed Straight leaving about 45 minutes later. The clerk then called room 207 and discovered that HILLIARD was still in the room. The clerk repeatedly contacted HILLIARD every 10-30 minutes to ask him to leave. The clerk stated that she gave HILLIARD a final warning to leave at or about 11:50P.M. Around midnight, HILLIARD had still not left the room. The Jackson Township Police Department was contacted at that time.

9. JTPD officers made contact with HILLIARD in room 207 and instructed HILLIARD to leave. JTPD officers stood by in room 207 with HILLIARD and gave HILLIARD approximately 30 minutes to gather his belongings and leave but HILLIARD continued to stall officers. As officers continued to instruct HILLIARD to leave, Officer Sanderbeck observed a bag containing what Sanderbeck believed to be marijuana in an open bag belonging to HILLIARD.

10. At that time HILLIARD's behavior changed and he began asking officers why they were looking around the room. Officers then detained HILLIARD in handcuffs and searched the bag containing the suspected marijuana. Inside the black bag, officers discovered items including multiple bags of marijuana and a Taurus Caliber: .40, Model: PT140 PRO, Serial# SCR62660. The firearm was loaded with 6 rounds of ammunition.

11. HILLIARD was then placed under arrest. Officers then inventoried the rest of the property in the room belonging to HILLIARD and located additional narcotics which were sent to the Stark County Crime Laboratory (SCCL). Results from SCCL show the narcotics recovered to include 47.59 grams of blue tablets found to be a combination of Fentanyl and Fluro-fentanyl, 2.58 grams of Cocaine, and 59.60 grams of Crack Cocaine as well as paper strips found to contain trace amounts of LSD.

12. In room 207, officers also recovered a Polymer80, Caliber: 9mm, Model: PF940C, with no serial number. The firearm also contained 9 rounds of ammunition and had a black suppressor threaded onto the barrel. The suppressor contained no observable serial number or markings of any kind.

13. HILLIARD was transported to the Stark County Jail on state charges of Having Weapons Under Disability (F3), Trafficking in Cocaine (F1), Possession of Heroin (F2), Aggravated Trafficking in Drugs (F2), Trafficking in Marijuana (F4) and Possession of LSD (F5).

CRIMINAL HISTORY

14. I have received certified copies of conviction documents which indicate HILLIARD has previously been convicted of a crime punishable by imprisonment for terms exceeding one year, specifically four counts of Robbery, felonies of the second degree, in violation of Ohio Revised Code Section 2911.01, in the Cuyahoga County Court of Common Pleas, case number CR400166 and Possession of Drugs, a felony of the fourth degree, in violation of Ohio Revised Code Section 2925.11, in the Cuyahoga County Court of Common Pleas, case number 404803. HILLIARD knew he was convicted of these crimes and that the previously described crimes are punishable by more than one year.

INTERSTATE NEXUS

15. On January 20, 2023, I consulted with ATF SA Jason Petaccio, a Firearm Interstate Nexus Expert, regarding the Taurus Caliber: .40, Model: PT140 PRO, Serial# SCR62660 and the Polymer80, Caliber: 9mm, Model: PF940C, with no serial number. SA Petaccio identified the Taurus, Caliber: .40, Model: PT 140 PRO, Serial# SCR62660 was manufactured outside of the State of Ohio. Thus, the recovered firearm had traveled in interstate and/or foreign commerce.

SA Petaccio identified the Polymer80, Caliber: 9mm, Model: PF940C, with no serial number, as having affected interstate and/or foreign commerce.

CONCLUSION

16. Based upon the above listed facts and circumstances, I assert there is probable cause that:

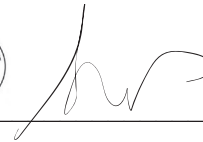
a. On or about December 2, 2022, Linnie HILLIARD aka Luke Townsend, knowing he had previously been convicted of crimes punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate commerce firearms, and said firearms having been shipped and transported in interstate commerce, in violation of Title 18 U.S.C. Section 922(g)(1).



Jesse K. Gambs, Task Force Officer,
Bureau of Alcohol, Tobacco,
Firearms and Explosives (ATF)

Subscribed and sworn to me this 9th day of February 2023 via telephone after submission by reliable electronic means. FED. R. CRIM. P. 4.1 and 41(d)(3).





Amanda M. Knapp, U.S. Magistrate Judge